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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,509	08/24/2001	Gregory P. Campau	1-23339	2340

46582 7590 01/04/2006
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Applicant's response filed 12/2/05 has been received and considered.
2. The rejections under 35 U.S.C. 251 have been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 22,36-38,40,42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Resch '099 in view of Leiber '514 and Steiner '730 or Steiner '713.

Regarding claims 22,36-38,40,42-47 Resch discloses a dual circuit brake system as readily apparent from the drawings. Resch discloses in column 17 that the pump may be used as a "brake pressure source". Through regulation of the opening and closing times and pressures of the valves 106,138,142 it is readily apparent that the

pump may in fact be used as the primary source for fluid pressure and the master cylinder as the auxiliary source.

Notwithstanding this argument the reference to Leiber '514 shows this more clearly and as discussed in column 3 around line 20.

The reference to Steiner '730 is relied upon for showing how the signals from the pedal sensor 71 and pressure sensor 76+ may be combined and evaluated "... in terms of the expected value of a brake pressure or of a brake force which the driver wishes to achieve..."i.e. via control of the brake valves. See the discussion in cols. 12 and col. 15. Applicant's limitations of "blend control" of the first and second signals are merely amount to an obvious equivalent to the multiple signal processing discussed in Steiner '730.

Note the separator units at 41-44 in Steiner '730 or at 24,26 in Steiner '713.

These units are considered to be an obvious alternative equivalent arrangement to the arrangement shown at 68 of Resch.

Because the brake systems of Resch and Steiner are so closely related the ordinary skilled worker in the art at the time of the invention would have found it obvious to have combined the teachings discussed above in such a way that they meet applicant's claimed limitations.

Response to Arguments

5. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

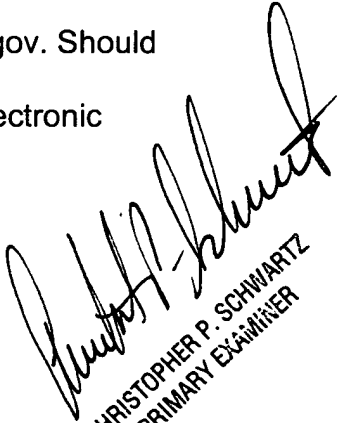
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the signal weighting method in the patent to Nell et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
12/29/05



CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER